

APR 07 2008

PATENT

Atty Docket No.: 200302011-1
App. Ser. No.: 10/033,404REMARKS

Favorable reconsideration of this application is respectfully requested in view of amendments above and the following remarks. Claims 1-37 are pending in the present application of which claims 1, 11, 21, 32, 37, 38 and 39 are independent.

An Appeal was filed August 28, 2006. In response to the Appeal, the Board reversed all rejections and entered a new grounds of rejection of claims 1-10 and 37 under 35 USC §101.

The Board's Decision with respect to the 101 rejection stated, "That said, the issue, quite simply, is whether a claimed computer readable storage medium that is broad enough to include transmission type media – a media that include carrier waves and signals – is statutory subject matter." In particular, although claims 1 and 37 recite "computer readable storage medium", the Board concluded that the claimed storage medium encompasses carrier waves, and thus is non-statutory. Independent claims 1 and 37 have been amended to recite a tangible computer readable storage medium. Thus, the claimed storage medium does not include intangible carrier waves. Accordingly, the rejection of claims 1-10 and 37 under 35 USC §101 is believed to be overcome.

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In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Dated: April 7, 2008

By


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